

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PACIFIC HEALTH ADVANTAGE d/b/a  
PACADVANTAGE,

Plaintiff,

v.

CAP GEMINI ERNST & YOUNG,

Defendant.  
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Case No. 07 Civ. 3725 (CM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed affidavit of Gerald D. Silver, Esq., Capgemini's Memorandum of Law In Support of Its Motion to Dismiss the Complaint submitted herewith, and all prior pleadings and proceedings had herein, defendant Capgemini U.S. LLC, formerly known as Cap Gemini Ernst & Young U.S. LLC, hereby moves this Court before the Honorable Colleen McMahon, at the United States Courthouse, 500 Pearl Street, New York, New York, in Room 21B, as soon as counsel may be heard, for (i) an Order, pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 9(b), dismissing the Complaint for a failure to state a claim upon which relief may be granted and/or because certain claims are lacking in particularity; and (ii) such other and further relief as the Court deems just and proper.

Dated: New York, New York

May 31, 2007

Respectfully submitted,

WINSTON & STRAWN LLP

By: S/

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Gerald D. Silver

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